

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

APN Starfirst, LP	:	
	:	
Application for Certificate of	:	Docket No.
Service Authority under Section	:	
16-115 of the Public Utilities Act.	:	

APPLICATION

[APN Starfirst, LP] ("Applicant"), hereby requests that the Illinois Commerce Commission ("Commission") grant it a certificate of service authority pursuant to Section 16-115 of the Public Utilities Act ("Act"). In support of its application, Applicant states as follows:

General [451.20 and 451.30]

1. Applicant's Name and Address: [451.20(e)(1)]

APN Starfirst, L.P.
867 Berkshire Blvd., Suite 101
Wyomissing, PA 19610

2. Related Information:

- Type of Business: **Limited Partnership**
- Jurisdiction in which and under whose laws business entity was created: **Delaware**
- Other names in which Applicant does business (D/B/A) **N/A**
- Federal Employer Identification Number: **11-3708349**
- Registered Agent in Illinois: **National Registered Agents, Inc., 200 West Adams Street, Chicago, IL 60606**

3. Contact Persons for the following:

- (a) Issues related to processing this application:

Stephen J. Moore
Rowland & Moore LLP
200 W. Superior Street, Suite 400
Chicago, IL 60610
(312) 803-1000 Phone
(312) 803-0953 Fax
steve@telecomreg.com

Linda Jablonski, Office Manager
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R. Scott Helm
867 Berkshire Blvd., Suite 101
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- (b) Issues related to retail customers, including complaint resolution,

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- (C) technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric service.

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Provide each contact person's name, title, mailing address, telephone number, facsimile number, and e-mail address.

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4. Applicant is licensed to do business in the State of Illinois, as demonstrated in.
Attachment "A" [451.20(f)(1)]

A copy of the Certificate to transact business in Illinois is labeled Attachment "A"

5. Applicants employees that will be installing, and maintaining generation, transmission, or distribution facilities within the State of Illinois, as well as any entry with which the Applicant has contracted to perform those functions, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)], [451.20(f)(2)] [if applicable]

Not Applicable - APN Starfirst, L.P. has no intent to install, operate or maintain any generation, transmission or distribution facilities.

6. Description of Applicants business. [451.30(c)(1)]

APN Starfirst, L.P. will market electricity as an Alternative Electric Retail Supplier in Illinois. APN Starfirst, L.P. will supply electricity under a FERC-approved contract to retail customers.

7. Geographic area in which Applicant seeks to be authorized to offer service (if less than entire State provide detailed description) and the types of service it intends to offer. [451.30©]

APN Starfirst, LP seeks to offer service in the Ameren service Territories and intends to offer retail electricity and power.

8. Identification of the Part 451 subpart (Subpart B, C, D, or E) under which the Applicant is filing. Description of the characteristics of customer group(s) Applicant proposes to serve. [451.30©(2)]

APN Starfirst, LP is filing this application under Subpart B to service nonresidential retail customers with annual electric consumption greater than one (1) MW. APN Starfirst, LP intends to serve commercial and industrial customer classes.

9. Proof of notification to each utility of Applicant's intent to serve in the utility's service area is Provided in **Attachment "B"**. [451.30©(3)]. **Notification letters to Ameren and Constellation are attached.**

10. Applicant certifies that it:

- (a) Will comply with all applicable federal, State, regional and industry rules, practices, policies, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system including the Open Access Same-time Information System (OASIS) mandated by 18 CFR 37 and the rules and operating guidelines and procedures of the regional or national electric reliability council(s) or organization(s) and their successors for any portion of the state in which the applicant is certified to provide retail electric service); [451.20(a)]
- (b) will provide service only to retail customers that are eligible to take delivery services; [451.20(b)]
- (c) will comply with informational and report ing requirements that the Commission may by rule establish; [451.20©]
- (d) will comply with informational and reporting requirements that the Commission may establish regarding the provision of information required by Section 16-112 of the Act; [451.20(d)]
- (e) comply with all other applicable rules and regulations and Commission rules and orders; [451.20(g)] and
- (f) complies with all terms and conditions requires by Sections 115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act, to the extent those Sections have application to the services being offered by the alternative retail electric supplier. [451.30(d)(2)]
- (g) intends to publish, as provided by Notice of Publication Act[715 ILCS 5], notice of its application for certification in the Official State Newspaper within 10 days following the filing of this application for certification. APN Starfirst, L.P. will provide proof of publication with the Clerk of the Commission.
- (h) will not, pursuant to 220 ILCS 5/16-115A(c): 1. enter into to or employ any arrangement which have the effect of preventing a retail customer with a maximum electrical demand of less than one megawatt from having access to services of the electric utility in whose service area the customer is located or (ii) charge retail customers for such access.

11. Applicant agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]

12. Applicant agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for delivery services transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. [451.40(a)]

13. Applicant agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [451.40(b)]

14. Whether Applicant currently has the authority from the Commission to be an ARES, and if so, the Docket Number under which such authority was granted. [(If applicant currently has a Certificate of Service Authority) Applicant requests that such current authority be consolidated with any authority granted pursuant to this application, under the docket number of this application.]

The Applicant is seeking to obtain certification from the Commission under this application as an ARES, therefore, the Applicant does not currently possess such certification. Applicant agrees to the above conditions where applicable.

Reciprocity Requirements [451.20(e) and 451.70]

15. The names and address of all of Applicants affiliated companies involved in electric retail sales or purchases in the North American continent are as follows: [451.20(e)(3)]

**American PowerNet Management, LP, 867 Berkshire Blvd., Suite 101,
Wyomissing, PA 19610**

16. Applicant certifies that it complies with Section 16-115(d)(5) of the Act [220 ILCS 5/16-115(d)(5)], and that it will remain in compliance with such requirements and will annually certify such compliance to the Commission during January of each year after its certification. A demonstration that Applicant is in compliance with Section 16-115(d)(5) of the Act is set forth in **Attachment “C”**. [451.20(e) and 451.730] **A portion of Attachment C is marked confidential and is the subject of a motion for a protective order.**

License or Permit Bond

17. Applicant is required to execute and maintain a license or permit bond in the name of the People of the State of Illinois issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois. The amount of the bond shall equal the amount specified in Part 451.50(a) for the appropriate group of customers the Applicant seeks certification to serve. [Attach a copy of the license or permit bond required by Part 451-50(a) and proof that the surety meets the definition of “qualifying surety” as set forth in Part **Attachment “D”**]

Financial Qualifications [451.110, 451.220, or 451.320-Not applicable to Subpart E Applicants]

18. Applicant meets one of the six financial criteria set forth in 451.110(a)(1-6), 451.220(a)(1-6), or 451.320(a)(1-6), as demonstrated in **Attachment “E”**. [Attach a copy of the documents that demonstrate that the Applicant meets the applicable criteria.] If a Subpart C or D Applicant fails to meet or qualify for certification under Part 451.220(a) or 451.320(a), the Applicant shall so state and provide the information required by Part 451.220(b) or 451.320(b)

The Applicant has issued a Letter of Credit in the amount of \$500,000 as described in the financial criteria set forth in Section 451.110(a)(3) “in an amount that is no less than the greater of \$500,000 or 5% of the amount of the applicant’s revenue from the sale of electric energy for the most recently completed fiscal year”. In determining the amount of the issuance of the Letter of Credit the Applicant calculated their revenue as follows: 15 MW x 8760 hours x \$60/MW = \$7,884,000 x .05 = \$394,200, which represents that the amount of the letter of credit (\$500,000) is greater than 5% of the Applicants revenue (\$394,200).

The Applicant has attached a copy of a rating agency report that presents the long-term obligation rating of the financial institution extending the credit.

The Applicant has attached Certified Public Accountant prepared financial statements for the period ending 9/30/06 with the Accountants report. These financial statements are marked confidential and are the subject of a motion for a protective order.

19. Applicant **will not** provide electric power and energy with property, plant and equipment that it owns, controls, or operates. If Applicant will provide electric power and energy with property, plant and equipment that it owns, controls, or operates, Applicant shall verify that it meets the requirements of Part 451.110(b), 451.220(c), or 451.320(c) for commercial general liability insurance. Attachment ____ shows that the commercial general liability insurance coverage is in the amount of \$_____ and shall remain in effect for a period of not less than one year. Attachment ____ shows that the insurers have Best's ratings of A- or better and Best's financial sizes of VII or larger.

Applicant will not provide electric power and energy with property, plant and equipment that it owns, controls, or operates.

Technical Qualifications [451.120, 451.230, 451.330, or 451.420]

20. Applicant **will not** use electric generation, transmission or distribution facilities that it owns, controls, or operates in serving customers. Applicant meets the requirements of Part 451.120, 451.230, 451.330, or 451.420, as demonstrated in **Attachment "F"**. [The attachment shall identify the persons or agents who are being used to meet the requirements of Part 451.120, 451.230, 451.330, or 451.420 and the attachment may include narrative form as well as resumes of key personnel.]

The biographical information provided establishes that the applicant maintains the technical staff and the knowledge to service its customers. The Applicant has also demonstrated that its technical staff has in excess of two years in electric sales and scheduling and more than four years of operational experience, as demonstrated in Attachments "F" & "G" as required by Section 451.120(a). The Applicant will maintain a scheduling facility on duty 24 hours a day and will perform such duties as customer inquiries, scheduling changes, curtailment and interruption.

Managerial Qualifications [451.130 and 451.140, 451.240 and 451.250, 451.340 and 451.350, or 451.430]

21. Applicant meets the managerial qualifications set forth in Part 451.130, 451.240, or 451.340 (not applicable to Subpart E Applicants), as demonstrated in **Attachment "F" and Attachment "G"** includes an exhibit containing a corporate organizational chart and identifying the persons or agents who are being used to meet the requirements of Part 451.130(b), 451.240(b), or 451.340(b).
22. Applicant **is not** relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.120 and 451.130, 451.230 and 451.240, 451.330, and 451.340, or 451.420. [If Applicant is relying on such agents or contractors) Each agent and contractor on whom the Applicant relies to meet these requirements is disclosed on Attachment _____. [451.140(a), 451.250(a), 451.350(a), or 451.430(a)]] Applicant certifies that each such agent or contractor will comply with all the sections of Part 451 that are applicable to the functions to be performed by the respective agent or contractor. [451.140(b), 451.250(b), 451.350(b), or 451.430(b)]]

The Applicant is not relying on any agents or contractors.

Financial Qualifications for Single Billing Service

23. Applicant **does not intend** to provide single billing services. [(If Applicant intends to provide single billing services) A demonstration that Applicant meets one of the four creditworthiness standards as required in Part 451.510 is set forth in Attachment ____.]

The Applicant will not use single billing services.

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve retail customers [identify the characteristics of the customer group(s) that Applicant proposed to serve] in [describe area for which certification is sought, as in paragraph 7 above].

Respectfully submitted,

APN Starfirst, LP

By: 

R. Scott Helm, President

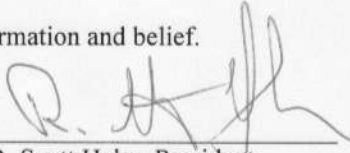
Name of Attorney: Elizabeth Whittle, Esquire
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Attorney's Telephone Number: 202-585-8338
Attorney's Fax and E-mail (optional): 202-585-8080

VERIFICATION


STATE OF Pennsylvania)
COUNTY OF Berks)

ss:

R. Scott Helm, being first duly sworn, deposes and says that he is the President of APN Starfirst, LP; that he has read the foregoing Application of APN Starfirst, LP, and all of the attachments accompanying and referred to within the Application; and that the statements contained in the Application and the attachments are true, correct and complete to the best of his knowledge, information and belief.


R. Scott Helm, President

Subscribed and sworn to before me
This 21st day of December, 2006


Notary Public

[Stamp of Notary]
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Deborah A. Galan, Notary Public
Sinking Spring Boro, Berks County
My Commission Expires Oct. 21, 2009
Member, Pennsylvania Association of Notaries